IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3330 OF 2006

Shashi Sadarangani ...Applicant

vs.

Ms Rakhi @ Pooja Kapoor & Anr. ...Respondents

Mr.A.H.H.Ponda i/b Dinesh Tiwari for the Applicant.
Mr.Prabhajit Jauher i/b M/s.Haresh Mehta for Respondent No.1.

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 12,2006.

P.C.:

1. Rule. Advocate for the first Respondent waives service. Learned A.P.P. waives service for second Respondent. By consent, taken up for final hearing. Prayer in this Petition under section 482 of the Code of Criminal Procedure, 1973 is for quashing the F.I.R. lodged by the first Respondent with Worli Police Station for offences punishable under sections 323, 417, 342, 506 (2) read with section 34 of the Indian Penal Code. The contention of the Applicant is that on the plain reading of the F.I.R., no offence is made out. The learned Advocate for the first Respondent has tendered an Affidavit of the first Respondent dated 11th September 2006.

In the said Affidavit the first Respondent has stated thus :

1) That I have amicably settled all my disputes with the Petitioner in respect of C.R.No.11189/2006 registered with Worli Police Station, Bombay and do not intend to initiate any further proceedings against the Petitioner in the said F.I.R.

2) That the settlement has been effected with the Petitioner without perpetration of any force, undue influence, coercion or pressure and there is no money claim qua the Petitioner by me.

3) That since the disputes have been settled amicably, therefore I have no objection for quashing of the F.I.R. and the consent for quashing of the F.I.R. has not been obtained by force, pressure or coercion and the same is out of my own free will and accord.

2. The learned Advocate for the Applicant submitted that in view of the said Affidavit, F.I.R. deserves to be quashed as continuation of criminal proceedings will be unjust and no purpose will be served by proceeding further. The learned A.P.P. pointed out that so far as quashing of F.I.R. is concerned, the matter is left to the Court. He, however, contended that there is a tendency of using the machinery of police for gaining monetary advantage. The learned Advocate for the first Respondent stated that the first Respondent will donate a sum of Rs.5000/- (five thousand only) to the Police Welfare Fund of Maharashtra Police. Statement is accepted.

3. I have perused the allegations made by the complainant-first Respondent in the F.I.R. I have also perused the Affidavit of the first Respondent.

4. The Applicant and the first Respondent are fairly young. Considering all the aspects of the case, it is obvious that continuation of proceedings on the basis of F.I.R. will not serve any purpose and it will cause sheer harassment to the Applicant. Therefore, this is a fit case for exercising power under section 482 of the said Code for quashing the proceedings.

5. Hence I pass the following order :

. Rule is made absolute in terms of prayer clause (a).

JUDGE